

House File 2225 - Introduced

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BY FRY

A BILL FOR

1 An Act merging the board of social work and board of behavioral
2 science and providing transition provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.24, subsection 2, paragraph a, Code
2 2022, is amended to read as follows:

3 a. Procedures for registration of health care providers
4 deemed qualified by the board of medicine, the board of
5 physician assistants, the dental board, the board of nursing,
6 the board of chiropractic, the board of psychology, the board
7 of social work and behavioral science, ~~the board of behavioral~~
8 ~~science~~, the board of pharmacy, the board of optometry, the
9 board of podiatry, the board of physical and occupational
10 therapy, the board of respiratory care and polysomnography, and
11 the Iowa department of public health, as applicable.

12 Sec. 2. Section 147.13, subsection 15, Code 2022, is amended
13 to read as follows:

14 15. For social work, applied behavior analysis, marital
15 and family therapy, and mental health counseling, the board of
16 social work and behavioral science.

17 Sec. 3. Section 147.13, subsection 16, Code 2022, is amended
18 by striking the subsection.

19 Sec. 4. Section 147.14, subsection 1, paragraphs m and t,
20 Code 2022, are amended by striking the paragraphs.

21 Sec. 5. Section 147.14, subsection 1, Code 2022, is amended
22 by adding the following new paragraph:

23 NEW PARAGRAPH. x. For social work and behavioral science,
24 three members licensed to practice marital and family therapy,
25 all of whom shall be practicing marital and family therapists;
26 three members licensed to practice mental health counseling,
27 one of whom shall be employed in graduate teaching, training,
28 or research in mental health counseling and two of whom
29 shall be practicing mental health counselors; two licensed
30 behavior analysts; one licensed assistant behavior analyst;
31 five members who are licensed to practice social work, with
32 at least one from each of three levels of licensure described
33 in section 154C.3, subsection 1, and one employed in the area
34 of children's social work; and five who are not licensed to
35 practice marital and family therapy, applied behavior analysis,

1 mental health counseling, or social work and who shall
2 represent the general public.

3 Sec. 6. Section 154C.1, subsection 1, Code 2022, is amended
4 to read as follows:

5 1. "*Board*" means the board of social work and behavioral
6 science established in [chapter 147](#).

7 Sec. 7. Section 154D.1, subsection 1, Code 2022, is amended
8 to read as follows:

9 1. "*Board*" means the board of social work and behavioral
10 science established in [chapter 147](#).

11 Sec. 8. Section 249A.15A, subsections 1, 2, and 3, Code
12 2022, are amended to read as follows:

13 1. The department shall adopt rules pursuant to chapter
14 17A entitling marital and family therapists who are licensed
15 pursuant to [chapter 154D](#) to payment for behavioral health
16 services provided to recipients of medical assistance, subject
17 to limitations and exclusions the department finds necessary
18 on the basis of federal laws and regulations. The rules shall
19 also provide that a marital and family therapist, who holds
20 a temporary license to practice marital and family therapy
21 pursuant to [section 154D.7](#), is entitled to payment under this
22 section for behavioral health services provided to recipients
23 of medical assistance, when such services are provided under
24 the supervision of a qualified supervisor as determined by the
25 board of social work and behavioral science by rule, and claims
26 for payment for such services are submitted by the qualified
27 supervisor.

28 2. The department shall adopt rules pursuant to chapter
29 17A entitling master social workers who hold a master's degree
30 approved by the board of social work and behavioral science,
31 are licensed as a master social worker pursuant to section
32 154C.3, subsection 1, paragraph "b", and provide treatment
33 services under the supervision of an independent social worker
34 licensed pursuant to [section 154C.3, subsection 1](#), paragraph
35 "c", to payment for behavioral health services provided to

1 recipients of medical assistance, subject to limitations and
2 exclusions the department finds necessary on the basis of
3 federal laws and regulations.

4 3. The department shall adopt rules pursuant to [chapter 17A](#)
5 entitling mental health counselors who are licensed pursuant
6 to [chapter 154D](#) to payment for behavioral health services
7 provided to recipients of medical assistance, subject to
8 limitations and exclusions the department finds necessary on
9 the basis of federal laws and regulations. The rules shall
10 also provide that a mental health counselor, who holds a
11 temporary license to practice mental health counseling pursuant
12 to [section 154D.7](#), is entitled to payment under [this section](#)
13 for behavioral health services provided to recipients of
14 medical assistance, when such services are provided under the
15 supervision of a qualified supervisor as determined by the
16 board of social work and behavioral science by rule, and claims
17 for payment for such services are submitted by the qualified
18 supervisor.

19 Sec. 9. Section 514C.32, subsection 1, paragraphs a and b,
20 Code 2022, are amended to read as follows:

21 a. A licensed master social worker who is licensed by the
22 board of social work and behavioral science as a master social
23 worker pursuant to [section 154C.3, subsection 1](#), paragraph
24 "b", and who provides services under the supervision of an
25 independent social worker licensed pursuant to section 154C.3,
26 subsection 1, paragraph "c".

27 b. A licensed mental health counselor or a licensed
28 marital and family therapist who holds a temporary license to
29 practice mental health counseling or marital and family therapy
30 pursuant to [section 154D.7](#), and who provides services under
31 the supervision of a qualified supervisor as determined by the
32 board of social work and behavioral science by rule.

33 Sec. 10. Section 622.10, subsection 7, Code 2022, is amended
34 to read as follows:

35 7. For the purposes of [this section](#), "mental health

1 *professional* means a psychologist licensed under chapter 154B,
 2 a registered nurse licensed under chapter 152, a social worker
 3 licensed under chapter 154C, a marital and family therapist
 4 licensed under chapter 154D, a mental health counselor licensed
 5 under chapter 154D, or an individual holding at least a
 6 master's degree in a related field as deemed appropriate by the
 7 board of social work and behavioral science.

8 Sec. 11. EMERGENCY RULES. The board of social work, board
 9 of behavioral science, and board of social work and behavioral
 10 science may adopt emergency rules under section 17A.4,
 11 subsection 3, and section 17A.5, subsection 2, paragraph "b",
 12 to implement the provisions of this Act and the rules shall
 13 be effective immediately upon filing unless a later date is
 14 specified in the rules. Any rules adopted in accordance with
 15 this section shall also be published as a notice of intended
 16 action as provided in section 17A.4.

17 Sec. 12. TRANSITION PROVISIONS.

18 1. a. The merger of the boards of social work and
 19 behavioral science in this Act shall not affect the appointment
 20 of any term of office of a member of either board prior to the
 21 effective date of this Act. A member of the board of social
 22 work or the board of behavioral science shall continue to serve
 23 until the member's term expires or the member ceases to hold
 24 office, whichever first occurs.

25 b. The initial membership of the board of social work and
 26 behavioral science shall consist of all members of the boards
 27 of social work and behavioral science serving on the effective
 28 date of this Act.

29 2. A rule adopted by the board of social work or board of
 30 behavioral science that is in force and effect immediately
 31 prior to the effective date of this Act shall continue in full
 32 force and effect until the earlier of the following:

33 a. The rule is amended, rescinded, or supplemented by the
 34 affirmative action of the board of social work and behavioral
 35 science.

1 b. The rule expires by its own terms.

2 3. Any license or permit issued by the board of social
3 work or board of behavioral science in effect on the effective
4 date of this Act shall continue in full force and effect until
5 expiration or renewal.

6 4. Any funds in any account or fund of the board of social
7 work or board of behavioral science shall be transferred to the
8 control of the board of social work and behavioral science.

9 5. Any cause of action, statute of limitation, or
10 administrative action relating to or initiated by the board
11 of social work or board of behavioral science shall not be
12 affected as a result of this Act and shall apply to the board of
13 social work and behavioral science.

14 6. All client and organization files in the possession of
15 the board of social work or board of behavioral science shall
16 become the property of the board of social work and behavioral
17 science.

18 7. Any personnel in the state merit system of employment
19 who are mandatorily transferred due to the effect of this Act
20 shall be so transferred without any loss in salary, benefits,
21 or accrued years of service.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill merges the boards of social work and behavioral
26 science into the board of social work and behavioral science.
27 The bill gives the board of social work and behavioral science
28 all the powers and responsibilities of the prior boards. The
29 bill provides that the current members of the boards of social
30 work and behavioral science shall become members of the merged
31 board until their terms otherwise expire or they are otherwise
32 replaced. The bill also provides that the current rules of
33 both boards shall remain in effect until the board of social
34 work and behavioral science amends, rescinds, or supplements
35 the rules, or the rules expire by their own terms. The bill

1 grants the board of social work, the board of behavioral
2 science, and the board of social work and behavioral science
3 emergency rulemaking authority to implement the provisions of
4 the bill. The bill also provides other transition provisions
5 relating to the initial membership of the new board, rules
6 adopted by the former boards, licenses and permits issued by
7 the former boards, funds and client and organization files in
8 the possession of the former boards, causes of action relating
9 to the former boards, and personnel in the state merit system
10 of employment, and makes conforming Code changes.